IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 12405 of 2004

Between:

M/s. Lalitha Engineering (P) Ltd., rep. by its Managing Director,
Mr. A. Shyam Prasad, 5-2-393, Hyderbasti, Secunderabad.

..... PETITIONER

AND

1 The Commercial Tax Officer, Ranijung Circle, Secunderabad.
2 The Addl. Commissioner (CT) Legal ((FAC) O/o. The Commissioner of Commercial Taxes, Govt of A.P., Hyd.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Cerciorari quashing the proceedings of the 2nd respondent bearing No. LIII(2) /1103/2004 dt. 23.06.2004 by declaring it as illegal, arbitrary and contrary to Law and consequentially grant stay of collection of the disputed tax of Rs. 85,629/- for the assessment year 1993-94 (APGST) pending disposal of the Second appeal by the Sales Tax Appellate Tribunal.

Counsel for the Petitioner:MR.VARDHINENI KRISHNAMOHAN, Advocate.

Counsel for the Respondent No.: GP FOR COMMERCIAL TAXES

The Court made the following :

ORDER : (Per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of eight weeks. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

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(Bilal Nazki, J)

19th July, 2004.

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(L.NARASIMHA REDDY, J)

ajr.

To

1 The Commercial Tax Officer, Ranijung Circle, Secunderabad.
2 The Addl. Commissioner (CT) Legal ((FAC) O/o. The Commissioner of Commercial Taxes, Govt of A.P., Hyd.

3 Two C.Cs. to the Government Pleader for Commercial Taxes, High Court

buildings, Hyderabad (O.U.T).

4 Two C.D. copies.